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# LETTER DATED 22 SEPTEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO TO THE SECRETARY-GENERAL

I have the honour to refer to the letter dated 11 September 1993 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation and to the accompanying memorandum on points relating to the legal position of the Libyan Arab Jamahiriya with regard to Security Council resolutions 731 (1992) and 748 (1992), both of which were handed to you on 14 September 1993, and should be grateful if you would have them circulated as a document of the Security Council.

(Signed) Ali Ahmed ELHOUDERI
Permanent Representative

Annex

Letter dated 11 September 1993 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the Secretary-General

I refer to Security Council resolution 731 (1992) concerning the requests addressed to the Great Socialist People's Libyan Arab Jamahiriya by the United States of America, the United Kingdom and France.

I also refer to the fact that the Great Jamahiriya has declared that it accepts the aforesaid resolution and that it is fully prepared to deal with it in a positive manner and in a spirit of concern to bring the truth to light and of respect for international legitimacy. You are fully informed, Mr. Secretary-General, of the measures the Great Jamahiriya has taken to implement the provisions of the resolution in question. We have notified you, through your Personal Envoy and by our numerous letters, that we have implemented all the provisions of the resolution except for a single point relating to the venue of the trial, and we believe that it is possible to reach a satisfactory solution on this matter if the States concerned will agree to sit down directly with the Great Jamahiriya to negotiate thereon in order to bring about a trial that is just and fair.

Since the three Western States continue to insist that the Great Jamahiriya has not complied with resolution 731 (1992), most recently in their tripartite declaration of 13 August 1993, the Great Jamahiriya and the attorneys for the two suspects deem it appropriate to submit to you a set of questions to be put to them and to the members of the Security Council with a view to seeking a definitive clarification of the understanding that the three Western States have of the resolution so that the Great Jamahiriya may see what, in their view, are the points that it has not implemented and so that the resolution will not remain impending and capable of being used to blackmail the Great Jamahiriya for a long time into the future.

The response of the three Western States to the questions of the attorneys for the two suspects can be of assistance in reaching agreement on the venue of the trial.

Accordingly, we hope that you will present these questions to the States concerned and to the members of the Security Council with a view to obtaining a precise response, and we hope this will be a step towards a mutual understanding on devising a peaceful and satisfactory solution to a problem into which my country has been thrust and which has become an instrument for blackmail.

(Signed) Omar Mustafa ALMUNTASSER
Secretary of the General People's Committee
for Foreign Liaison and International Cooperation

Enclosure

MEMORANDUM TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

We have the honour to present our compliments and should like to submit to you the following memorandum setting forth legal points relating to the legal position of the Great Jamahiriya on Security Council resolutions 731 (1992) and 748 (1992).

Security Council resolution 748 (1992) was adopted on 21 March 1992, and it imposed iniquitous and unwarranted sanctions on the Jamahiriya merely on grounds of suspicion that Libyan individuals had committed acts against an aircraft belonging to the Pan American company and an aircraft belonging to the French company UTA.

Since the adoption of that resolution, which does not accord with the general norms of international law or established customary principles approved by the international community, the Jamahiriya has been striving diligently, in all sincerity and good faith, to settle the dispute. The dispute is not one between the Jamahiriya and the international community or the United Nations but is a controversy precipitated by the United States of America, the United Kingdom and France because of their dissatisfaction with the role assumed by the Jamahiriya.

Support for the liberation movements of peoples and for their right to freedom and overall and independent development does not entail an adversarial relationship between the Jamahiriya and the peoples and Governments of the three States. Indeed, the Jamahiriya constantly declares that it is prepared to interact with these States and others on a basis of honour, dignity and respect for the principles of justice, equity and national sovereignty.

The role undertaken by the Jamahiriya was a necessary and natural one at the juncture at which it found itself and in the context of the international and regional parameters then prevailing. It was never the intention thereby to depart from the norms approved by the international community to govern its intercourse and regulate its actions.

It was also not intended thereby to harm the interests of particular peoples. The Jamahiriya has a profound belief that the real interests of all peoples of the Earth are one and the same, and it concedes that they have an equal right to contribute to building a better future for mankind as part of a philosophy of human brotherhood and the unity of the human race combined with respect for distinctive characteristics and particular identities.

On this basis, Libya endeavours in all sincerity and earnestness to promote links of friendship and cooperation with all nations and peoples without distinction or discrimination. It does not consider itself to be in a state of conflict or enmity with any country that respects its sovereignty and its freedom to pursue the policy that accords with an outlook and interests of its own that do not violate the freedom and interests of others.

Despite the legitimate reservations the Jamahiriya entertains with regard to Security Council resolution 748 (1992) and despite its objection to those of its provisions that violate domestic and international law and are in discord with the established customary norms in the field of international politics, the Jamahiriya has expressed its intention and demonstrated its readiness by both word and deed to end this dispute and to cooperate with the Security Council and the Secretary-General of the United Nations with a view to settling the conflict and, indeed, turning a new page in its relations with the three Western States that have placed themselves in an adversarial position with regard to the Jamahiriya without objective justification.

In this context, the Jamahiriya has made a point of officially notifying the Security Council and the Secretary-General of the United Nations of its readiness to cooperate with the Council in a positive and constructive spirit, not by yielding to dictation and compulsion from any quarter but out of a desire to remove a contrived and transitory dispute from the orbit of international relations, and especially so at a time when the international community is endeavouring to create a climate for the establishment of a new kind of world solidarity imbued with a spirit of peace, cooperation and justice.

In our estimation, any international order must be based on the firm establishment of principles of sovereignty and political, economic, social and cultural independence, on conceding the right of all peoples, great and small, rich and poor, to develop their societies, on respect for human rights and on strengthening the foundations of democracy in the way that each people chooses and that it deems appropriate to its own circumstances and situation.

To that end, the Secretary of the General People's Committee for Foreign Liaison and International Cooperation addressed to you a number of letters, and we specifically recall those dated 9 January 1992, 27 February 1992, 14 May 1992, 19 July 1992, 9 August 1992, 14 August 1992, 21 August 1992 and 8 July 1993, in which he notified you of the measures taken by the Jamahiriya with regard to organizations and individuals engaged in activities characterized as terrorism. These measures included the severance of any contacts with such elements, refraining from providing them with any assistance and the closure of the camps they had been using in any way.

The Secretary for Foreign Liaison also requested you to dispatch a technical mission to verify Libya's compliance with the resolution and with those obligations that it bears, together with the international community, for the repudiation of terrorism. To its surprise, however, the Jamahiriya received no response from the Security Council or the Secretariat of the United Nations to this logical and spontaneous offer.

The failure to keep the question under consideration and the abandonment of the idea of sending a mission to verify implementation of the resolution was a position that we interpreted at the time, and that we still interpret, as meaning that the Security Council was persuaded that the Jamahiriya had carried out all of the measures entailed by the resolution.

Despite the foregoing, we renew the invitation to you promptly to dispatch the mission in question.

The Jamahiriya has expressed its readiness to reach an acceptable formula for the implementation of the other provisions of the resolution, and, as you are aware, it has taken initiatives to approach the States that have adopted an adversarial stance towards it.

For all of the foregoing reasons, because of a conviction that intentions are worthy, seeking to manifest a sincere desire to cooperate and out of respect for international law, the position of the Jamahiriya has been characterized by sagacity, as the world may testify. The Jamahiriya had thus been expecting, as it had every right to expect, that the three States and the Security Council would take equivalent steps to end a dispute that has no sound historical or cultural basis.

It was, however, most regrettably surprised when the three States issued a joint declaration on 13 August 1993 in which they claim that Libya has not discharged its obligations. In light of all of the foregoing, Libya feels duty bound, as a law-abiding State Member of the United Nations, to place on record the following points:

## I. THE POLICY OF DOUBLE STANDARDS

1. At the present delicate juncture in which the international community finds itself, it is astonishing that the United Nations, or the activist Powers in it, should employ two different measures or adopt a mode of procedure in which the application of double standards has the upper hand. It changes the policy it pursues and the rules it applies with the party being addressed, in the sense that it deals with particular States with firm resolve and pursues a policy of indifference towards States that have committed crimes and offenses hundreds of times worse than those attributed to others.

Libya is of the view - one shared by all third-world countries - that this policy will indisputably undermine the confidence of peoples in the Organization and in the new world order and the values that it proclaims and invokes. We have no need to refer to the cases that demonstrate that a policy of double standards has been pursued in recent years.

2. The double standards embraced by the Security Council have led to a duality in the way matters are taken up and a selectivity in the way they are handled, thereby violating the rules of justice and equity on which international law is based and the provisions of the Charter of the United Nations.

3. At a time when, on an important issue, sponsorship is offered to and direct negotiations are imposed on the Palestinians and Israel, the parties concerned refuse to sit down and negotiate with the Jamahiriya. Why do these same parties refuse to adopt the method of direct negotiations to resolve all their differences with the Jamahiriya?

4. On the night of 15 April 1986, the Great Jamahiriya was subjected to unprovoked armed military aggression aimed against the life of Colonel Muammar Qaddafi, Leader of the Revolution, the members of his family and other innocent and defenceless persons and carried out by a great Power that is a permanent member of the Security Council.

Despite that aggression and its persistence in the form of an economic embargo, and despite the fact that it was in breach of international law, the Security Council did not adopt a stance condemning the use of force against an independent sovereign State and a Member of the United Nations.

5. There is eagerness for the implementation of Security Council resolutions relating to the imposition of sanctions on the Jamahiriya, but no similar eagerness for the implementation of the dozens of resolutions adopted by the same Council on the question of Palestine.

Why is there so much stress on the implementation of resolution 731 (1992), while the implementation of resolutions 425 (1978) and 799 (1992) is ignored? Israel has proceeded to implement resolution 799 (1992), requiring the immediate return of the deportees, in the manner it saw fit, and the Security Council has had no objection to make.

In relation to resolution 731 (1992), why is the Jamahiriya not treated as Israel was treated in the matter of the implementation of resolution 799 (1992)?

Does this not constitute discrimination in the way Members of the United Nations are treated? And can it not be regarded as the application of two different standards by the body that has particular responsibility for the maintenance of security?

6. Would the United States of America and the United Kingdom agree and would they give official undertakings to accede to a request from the Great Jamahiriya in the event that the Libyan judicial authorities were to seek to question and bring to trial nationals of those countries who planned and participated in the murder of innocent citizens in the armed aggression of 1986? Similarly, what possibility is there of the extradition of those who undertook the training of criminal elements who have committed murder and sabotage in the territory of the Great Jamahiriya and those responsible for the forcible abduction of Libyan nationals from Chad?

7. As a result of the sanctions imposed by the Security Council under resolution 748 (1992) and of the prohibition on the supply to Libya of replacement parts for aircraft for purposes of maintenance, an aircraft of Libyan Arab Airlines, flight number 1103, crashed on an internal flight from Benghazi to Tripoli in 1992 taking the lives of 157 innocent persons.

The Jamahiriya, on the grounds of mere suspicion of two persons whose guilt has not been established, has sustained losses of more than 3 billion dollars and has lost the lives of 630 innocent people owing to the shortage of vaccines, in travel-related mishaps and because of other difficulties.

8. The Jamahiriya is astonished at the insistence of the three States on acting in the framework of Chapter VII of the Charter of the United Nations with regard to incidents in which the proximate or remote involvement of any Libyan elements has not been established. At the same time, the provisions of Chapter VII are not applied in dealing with the State of Israel, which commits crimes and atrocities that are condemned by the entire international community and are incompatible with the most elementary norms of law and legitimacy.

## II. THE LEGAL POSITION (DOMESTIC AND INTERNATIONAL) ON THE QUESTION OF EXTRADITION

It is perhaps superfluous to recall that the requests from the States in question for the extradition of the two suspects holding the citizenship of the country from which extradition is requested meet with many legal obstacles, the most significant of which can be summarized as follows:

1. Article 1, paragraph 3, of the Charter of the United Nations states that one of the Purposes of the United Nations is "To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights". It is clear that the Organization is committed to the application of this text, and it is therefore necessary to give precedence to human rights over all other considerations. World peace can be achieved, according to the United Nations philosophy, only by respect for human beings.

In other words, justice at the domestic and international levels must not be achieved at the cost of denying human rights.

Accordingly, in its concern that legitimacy be respected, the Jamahiriya is prepared to implement Security Council resolutions whenever they are compatible with the provisions of the Charter and of international law and can be interpreted in conformity with them.

2. Security Council resolutions 731 (1992) and 748 (1992) can be legitimized and their implementation thus honoured only in light of their legitimacy vis-à-vis the provisions of international law and human rights legislation.

Under the provisions of the Charter, the Security Council is legally entrusted with a fundamental task that relates to respect for international law, not to its breach and violation.

How is it conceivable that the Jamahiriya should be obliged to extradite its nationals with all that that entails in terms of violating Article 2, paragraph 7, of the Charter, which establishes the principle of non-intervention in the domestic jurisdiction of Member States?

3. The two resolutions, as a whole and in their various parts, run into a number of problematical legal issues raised by the matter of Libyan State sovereignty. The most significant of them are:

(a) The impermissibility of the extradition of a person holding citizenship of the State (Libyan Penal and Criminal Procedure Code);

(b) The absence of an agreement between the parties concerned governing rules of extradition;

(c) The accession of the Jamahiriya to all of the international human rights covenants prevents it from taking measures that may void human rights guarantees to a just and fair trial.

4. How can there be extradition in the absence of an extradition agreement between the parties concerned and while there is an international agreement in force that is binding on all the parties (the 1971 Montreal Convention) and makes extradition subject to the legislation of the State requested without according any priority or pre-eminence to the jurisdiction to the aircraft's flag country (the United States of America) or the country in which the act took place (Scotland)? All of this goes to support the Libyan proposal that a trial in a third country should be accepted.

5. How is it possible to accede to a request for the extradition of the two suspects on the mere basis of preliminary and undisclosed inquiries carried out by one State or by two States without the State from which extradition is requested verifying the existence of sufficient evidence for the charge?

The intense media campaigns, the atmosphere of hostility surrounding the two suspects, the attacks on the Arabs in general and Libya in particular and official declarations and statements asserting that the two suspects were responsible, all are factors that dissipate any hope of a just and fair trial. They consequently prevent the Security Council resolutions from being interpreted to mean that the Great Jamahiriya has an obligation to extradite. To accept in principle the extradition of the two suspects might void a basic legal guarantee in the field of human rights to a just and fair trial.

It can be expected that a trial that may take place in another State that is an adversary of that of the two suspects will not provide the minimum guarantees, even if it is maintained otherwise, since the relations of the parties to the dispute are marked by certain manifestations of tension, hostility and an accumulated series of media campaigns.

These factors, constituting the environment in which the trial would take place, have created an unsuitable climate for justice to be served and circumstances that cannot be characterized as congenial to ensuring a just and fair trial.

If we add to this the legal character of the jury system, there is a clear danger in adopting the principle of extradition of voiding the guarantee of a just and fair verdict.

6. The Security Council and the International Court of Justice are counterbalanced and complementary organs of the United Nations. In light of Article 36, paragraph 3, of the Charter of the United Nations, the jurisdiction of the International Court of Justice may be invaded, and it is not conceivable or possible that the resolutions of the Security Council should be interpreted as imposing the obligation to extradite and thus obstruct or prevent the Court from performing its role in the settlement of the dispute.

7. The Jamahiriya is not prepared to accept any infringement of its sovereignty, independence and freedom of decision. It further refuses to be drawn into any action that gives rise to the creation of a dangerous precedent that may have adverse repercussions on international relations as a whole.

Libya shall not yield to pressure and shall not be intimidated by threats of sanctions or of the strengthening of sanctions. No price can be set on the

freedom of peoples, and we are prepared to bear all the consequences of safeguarding the dignity of our nation and its people as long as we believe that we are acting within the bounds of law and legitimacy.

8. The Jamahiriya cannot accept offense to the dignity of the Libyan people or any of its members, because it is of the view that its basic mission is to protect that dignity and impose respect for it.

On the basis of the foregoing, the Jamahiriya refuses to compel two of its nationals to extradite themselves to a foreign country that adopts a hostile and adversarial stance towards their own and renders a prior verdict on their guilt before it is established at a judicial trial providing adequate guarantees and sheltered from political or cultural chauvinism.

9. In view of the fact that there is no agreement in force between the Jamahiriya and the United States or the United Kingdom for the extradition of offenders, Libya is unable to compel the two suspects to extradite themselves to either country. It remains for them to decide by their own free will whether they will present themselves to the legal jurisdiction of either of the two countries.

## III. SUPPOSITION THAT THE TWO SUSPECTS WILL CHALLENGE THE CHARGES AGAINST THEM AND AGREE TO APPEAR BEFORE A FOREIGN JURISDICTION

1. It may be possible for the two suspects to take the initiative of proceeding to a foreign country, without specification or exclusion, and appear before the judicial authorities to challenge the unjust charge against them and secure their acquittal in a just and fair trial unaffected by political influences and media campaigns that would prejudice the fairness of the trial and place it outside the domain of law and legal guarantees. It may be appropriate for us to notify you that the two suspects have informed us that they have recently appointed a team of attorneys in Scotland and England. They have requested this team, together with the attorneys who represented them in the United States in the past, to take the necessary measures to challenge the legal competence of either country to provide them with a fair trial.

The two suspects base this move on the obvious fact that there has been widespread advance media condemnation, which would make it impossible to select an impartial and uninfluenced jury in either country.

It goes without saying that in the event this move succeeds it will automatically imply the removal of any basis for strengthening the sanctions imposed on the Jamahiriya. Strengthening the sanctions would necessarily bring about the prejudgement of matters pending before the judicial authorities in the two countries, and this would further prejudice the position of the two suspects, who have already sustained much harm, and violate their human rights.

Through their representatives, the two suspects have raised a number of questions, and we submit them hereunder on their behalf in the hope that the answers provided to them will have a role in their adoption of a positive decision.

Assuming that their appearance before a foreign jurisdiction is possible and that it will take place and be on their own responsibility and not that of the Libyan State, what are the answers to the questions set forth hereunder, which may be provided by the two States concerned and the Security Council directly to the Jamahiriya or through the Secretary-General of the United Nations?

Are the answers to the questions posed to be considered as legal and political guarantees provided to the two suspects and their defence team?

1. Does the State concerned to which the two suspects would proceed in order to appear before a just and fair tribunal undertake to conduct the trial in a legal framework removed from the influence of political factors?

2. Does this State undertake not to conduct an inquiry with the two accused outside the purview of the court so that the two suspects are not subjected to questioning by other agencies such as domestic or foreign intelligence police?

3. Does the State undertake not to exert any physical or mental pressures on the two suspects while they are in detention during the trial?

4. Will the two suspects be guaranteed that no question will be addressed to them and no measures taken other than in the presence of the defence team appointed by them?

5. Does the State concerned undertake to allow representatives of the defence team, the Secretariat of the United Nations, the secretariat of the League of Arab States and the secretariat of the Arab Lawyers' Union to visit the suspects at their place of detention during the trial in order to ascertain that they have not been subjected to torture, pressure or coercion?

6. Does the State undertake not to offer any inducements or specific deals to the two suspects that may tend to alter the truth, or to render a reduced sentence or consider them State's witnesses if they should make certain admissions?

7. Does the State undertake that no individual apart from its own judicial officials will participate in the reception of the two suspects and that, in any event, this will take place only in the presence of representatives of the defence team?

8. How will the defence team for the two suspects ascertain the suitability of the persons proposed as prospective members of the jury that may decide the facts without prejudgement and uninfluenced by the images imprinted on their minds?

9. Does the State undertake that the trial will be in public and that the two suspects shall have the right to defend themselves, directly or through the defence team, in all stages of consideration of the case?

10. What would happen should the jury be unable to reach a verdict of guilty or not guilty?

11. Does the State undertake that the trial will be restricted to the incidents connected with Pan American flight 103 and will not go beyond them to include other incidents or other charges?

12. Does the State undertake to allow the two suspects to leave its territory and return to their homes on the same day a verdict of innocent is rendered or on completion of execution of the penalty against them should their guilt be proved? In this event, and in the event of a judgement for compensation that they are unable to pay, there shall be no liability for the Jamahiriya, which will not have been on trial, and thus its assets may not be placed at risk.

13. Does the State concerned undertake not to extradite the two suspects to another State under any pretext and for whatever reason?

14. Does the State undertake to ensure the two suspects the right to request a retrial, if the law applied therein permits retrial, or to appeal against the verdict?

15. Supposing that the prosecuting authorities wished to prefer charges against other persons in the same case or to prefer charges against the same two suspects in respect of other incidents, would the United States of America and the United Kingdom undertake to accept that consideration of such fresh charges should take place outside the framework of Security Council resolutions 731 (1992) and 748 (1992)?

16. In the absence of a bilateral agreement between the parties that regulates relationships between different legal systems, how can procedures be established to enable the two to appear before a foreign jurisdiction?

17. What legal, social and cultural guarantees are there to ensure just and fair investigation procedures and trial, for example guarantees relating to the non-subjection of the two to police procedures, respect for their cultural and religious identity, regard for health conditions and the facilitation of daily communication with their families?

18. What is the role of the Secretary-General of the United Nations and of the United Nations itself in determining the procedures for the appearance of the two suspects before a foreign jurisdiction and the aforementioned guarantees relating to the investigation and trial?

19. The international covenants relating to human rights legislation have without exception set forth the judicial obligations that States assume in order to ensure respect for the rights they embody, and they have done so by stipulating them explicitly. Most of them refer to the obligation of all States:

"To ensure that any person shall have an effective legal or administrative remedy in the event of any violation of the rights and freedoms established in the covenants, notwithstanding that the violation has been committed by persons acting in an official capacity."

The right of litigation is one of the most important mechanisms for ensuring human rights. It is, indeed, the most important of all, since rights have no meaning without the possibility of litigation to compel respect for them.

At all events, the matter requires that negotiations be conducted under the auspices of the Security Council, represented in the person of the Secretary-General or his representative, at United Nations Headquarters in New York or at Geneva, in order to draw up the necessary terms and guarantees for the inquiry and trial procedures. There should also be negotiations among the prosecuting and trial authorities, in any country satisfactory to the two accused, in the presence of their legal representative and under the supervision of the Secretary-General of the United Nations, to establish the terms necessary for their voluntary appearance.

## IV. CLARIFICATIONS AND GUARANTEES REQUESTED BY THE JAMAHIRIYA

As a member of the international community and a State that respects international law and the obligations stemming from the Charter, the Jamahiriya deems itself obliged to pose a set of questions that revolve around the legal and political guarantees that the two States or the Security Council, directly or through the Secretary-General of the United Nations, may undertake to provide.

The guarantees and clarifications that the Great Jamahiriya is requesting are such as to assist in facilitating the task of applying national and international law and to bring the question in dispute to a definitive end.

With respect to these questions, we should like to address the following points:

1. Do the two States concerned undertake to request the Security Council to lift the sanctions imposed on Libya under resolution 748 (1992) immediately on arrival of the two suspects in the jurisdiction of the court that will consider the case, without awaiting the completion of the trial proceedings or the rendering of a verdict?

2. Do the two States undertake not to claim that Libya has not discharged its obligations, particularly with respect to those entailed by resolution 748 (1992) and particularly in the field of terrorism in accordance with the text of paragraph 2 of that resolution?

3. Should either of the two States have reservations in this regard, what precisely in their view is required of the Jamahiriya for it to demonstrate that it has discharged this obligation in full?

4. Do the two States undertake to enter into dialogue with the Jamahiriya on the normalization of relations and the elimination of the remaining factors that cloud them immediately on arrival of the two suspects in the jurisdiction of the court at which the trial will take place?

5. Do the two States agree to cooperate with the Jamahiriya immediately on commencement of the trial in adopting the necessary measures with the Libyan or foreign elements concerning which the Jamahiriya has evidence of their involvement in sabotage or terrorist activities that jeopardize the interests of the Libyan State or of its nationals?

6. Do the two States agree that, after the appearance of the two suspects before the court, the role of the Security Council shall be restricted to the lifting of sanctions and shall not extend to monitoring the progress of the trial proceedings or any other aspects?

7. It is clear from a reading of Security Council resolution 731 (1992) that it accuses the Great Jamahiriya, in a general and vague manner, of acts of terrorism and assistance to terrorism.

Assistance by the Great Jamahiriya to certain liberation organizations was provided on the basis of our belief in freedom and the right of peoples to self-determination. This is in conformity with the resolutions adopted by the United Nations General Assembly at successive sessions on the need to support liberation movements and to promote the right of peoples to self-determination.

In the absence of an international agreement defining the concept and bounds of terrorism, certain actions may be interpreted and cooperation with certain liberation movements may be characterized as terrorism by some parties without there being any basis in international law for doing so.

In this connection, the Great Jamahiriya has declared on a number of occasions and in numerous communications that it has implemented resolution 731 (1992) as it relates to the charge against it having supported and assisted groups suspected of engaging in terrorist activities. The letters and statements of the Great Jamahiriya on this matter have documented this fact to the United Nations.

As an additional manifestation of good faith on the part of the Great Jamahiriya, in its appreciation of the role of the Security Council, and in its desire to cooperate with the United Nations and its Secretary-General in promoting the norms of international cooperation and world peace, the Great Jamahiriya requested that a United Nations mission be dispatched to verify its implementation of resolution 731 (1992) as it relates to terrorism, but this request was not granted. Do the two States concerned undertake not to characterize the Jamahiriya as a State that supports groups whose activities are said to constitute terrorism?

8. In their declaration of 13 August 1993, the three States reiterate that they have no hidden agenda against the Jamahiriya, meaning that they have no intention of intervening in the internal affairs or interfering with the political and economic choices of the Libyan Arab people, and that, on the

contrary, upon implementation by the Great Jamahiriya of resolution 731 (1992) the conditions would be met for the lifting of the sanctions imposed.

To what extent are the three States prepared to affirm that this is a commitment they will fulfil within the Security Council on discussion of the lifting of the measures of compulsion against the Great Jamahiriya?

9. The Jamahiriya understands from the declaration of the three States issued on 13 August 1993 that it contains a modification of the demands set forth in the declaration of 27 November 1991 contained in document S/23308. Will the appearance of the two suspects on their own initiative be regarded as compliance with the requests of these States and lead to the immediate lifting of the compulsory sanctions imposed?

The Jamahiriya hopes to receive your reply to these questions as quickly as possible so that it may communicate it to the legal representatives of the two suspects before they make their decision on the matter and so that the Jamahiriya may determine its future steps at the proper time and without delay.

In conclusion, we request you to have this letter circulated as a document of the Security Council.

We must convey to you our sincere gratitude and appreciation for your active role in safeguarding international legitimacy, promoting the principles of justice and law and protecting international peace and security.

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